

**Remarks**

A three month extension of time for response until September 3, 2004 and a check for the fee of \$950.00 is enclosed.

The substitute specification is precisely as previously presented, with the statement that it contains no new matter, as requested by the Examiner. This substitute specification merely corrects informalities and raises no new issues.

The foregoing amendment to claim 2 adds no new matter and raises no new issues. It has always been clear from the original claims that the method is for extruding "blow molding" film. It has thus always also been clear to a person of even minimal skill in the art that the extruded film is in the form of a tube since blow molding of a flat film is not possible, i.e. there is no film enclosed area in a flat film to hold air to permit "blowing".

Claim 3 has been canceled.

Claim 8 has been amended to clarify that the tubular member acts as guide for the tubular cellulose film, correcting antecedent formalities. The claim has been amended as suggested by the Examiner and is consistent with the Examiner's understanding of the meaning of the claim. Again there is no new matter added and no new issues raised as the amendment is of a formal nature, not changing basic claim limitations.

The amendments clearly cancel claim 3, overcome all objections based upon "unity of invention", correct formalities, and overcome all rejections under 35 U.S.C. 112. Issues are thus significantly reduced for purposes of appeal, no new issues are raised and no new matter is

added. The amendments were not made earlier since the need for them did not become apparent until the latest official action. The amendment should thus clearly be entered.

The Examiner has rejected claims 2 and 8 under 35 U.S.C. 102 as being anticipated by U.S. Patent 3,767,756 to Blades.

This 35 U.S.C. 102 rejection is improper and should be withdrawn.

Claim 2 of the current patent application requires that the apparatus include

- extrusion means for continuously extruding a cellulose solution to produce a **blown tubular** cellulose **film**;

- precipitation means for solidifying the extruded cellulose **film**;

- draw means positioned downstream of the extrusion means for continuously drawing the extruded cellulose film from the extrusion means; and

- a tubular member **for containing precipitation means** and **for receiving the extruded blown film** wherein the **tubular member is situated within a precipitation bath**.

Blades does not disclose or suggest any of the above claim limitations set out in bold and underlined.

Blades teaching with respect to extrusion is entirely limited to fibers. As an aside, Blades mentions film in column 2, line 6 but says nothing at all about how such a film might be made and gives no suggestion as to any characteristics such a film might have.

The present claims require an extrusion means for continuously extruding a cellulose solution to produce a **blown tubular** cellulose **film**. The only extrusion apparatus discussed by Blades is a spinning block 2 and a spinneret 3 suitable only for fibers. There is no disclosure or

suggestion anywhere in Blades about an extrusion die suitable for extruding film and certainly not for extruding tubular film and even more certainly not for extruding blown tubular film. The differences are in fact so great that Blades is non-analogous art.

Blades further does not disclose or suggest any precipitation means for solidifying an extruded cellulose film. Precipitation means for solidifying polyamide fibers are entirely different and do not suggest precipitation means for cellulose films.

The Blades further does not suggest a tubular member for containing precipitation means. Item 10 in Blades contains nothing as it is completely open at it's lower end causing flow disturbances. Blades does not disclose or suggest anything for receiving blown film since Blades suggests nothing at all concerning blown film. In fact the tube 10 of Blades for receiving fibers is not suitable for receiving blown tubular film since a co-current precipitant flow, as taught by Blades for fibers, cannot work for tubular film. Fibers are small in diameter and precipitant can reach the material of the fiber from four directions. This is simply not true of tubular films that are hollow inside thus eliminating one direction for penetration of precipitant and comprise a circular cross section effectively eliminating two more directions for penetration of precipitant. Tubular films utilized in the Blades apparatus (even if suggested by Blades, which is not the case) would thus be penetrated only one direction. Further turbulent flow through tube 10 of Blades cannot be tolerated in the manufacture of film. Blades co-current (non-immersion) flow of precipitant would precipitate the film in an unacceptable spotty arrangement at best.

The present claims require **a tubular member that is situated within a precipitation bath.** Blades does not suggest such an apparatus. **Blades tube 10 is not situated within a**

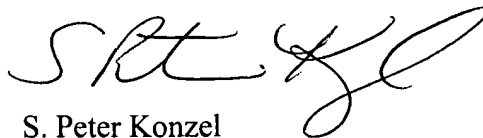
**precipitation bath** but extends from the bath at its lower end thus keeping the tube from being consistently filled with precipitation means. This is the antithesis of and precisely contrary to the requirements of the presently claimed invention.

**As clearly pointed out beginning at line 16 of original page 7 of the specification, the tubular member of the present invention may be used as a guide for the extruded tubular film and may be used to protect the extruded tube from disturbances in the precipitation medium thus resulting in improved uniformity of the tube wall thickness.** The tubular member also acts to control flow of precipitation medium around the tube and may be transparent to permit observation of the tube as it is formed thus providing quality control (page 8 of the original specification) . Blades flow through open tube 10 is of necessity turbulent and is clearly contrary to the requirements of the present invention.

It is thus clear that Blades does not disclose or suggest the present invention and that the rejection based upon Blades should be withdrawn.

In view of the foregoing amendments and remarks, it is submitted that the application is in condition for allowance, which action is courteously requested.

Respectfully submitted,



S. Peter Konzel  
Registration No. 53,152  
CUSTOMER NO. 24041  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406  
Telephone No. 716-626-1564  
September 1, 2004

MLD/SPK/mjk  
Encs.

**Appendix**